

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS )  
OF NORTHERN ILLINOIS WELFARE AND )  
PENSION FUNDS, )

Plaintiffs, )

v. )

L. BRANDAU TRUCKING, INC., )  
an Illinois corporation )

Defendant. )

) Case No.: 2011 C 5894

) Judge Zagel

) Magistrate Judge Cole

**MOTION FOR DEFAULT & JUDGMENT IN SUM CERTAIN**

NOW COME the Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS, by and through their attorneys, JOHN J. TOOMEY, and ARNOLD AND KADJAN, and, pursuant to FRCP 55, move for entry of an order of default and judgment in sum certain. In support of their Motion, Plaintiffs state as follows:

1. Suit was filed on August 25, 2011 for collection of delinquent ERISA contributions, plus attorneys' fees, costs, and interest, under 29 U.S.C. 1132(g)(2).
2. Service was made upon L. Brandau Trucking, Inc., an Illinois corporation, on September 15, 2011, and a copy of the proof of service was filed with the court on September 20, 2011.
3. Defendant hired counsel and filed their Answer on September 27, 2011. On May 24, 2012 counsel for the Defendant withdrew as counsel for the Defendant. No new attorney has come into the case, nor additional time sought.

4. As supported by the attached Affidavits, the sums due on the Complaint are:

\$23,053.24 Pension  
\$35,636.26 Welfare  
\$925.00 Attorneys fees  
\$467.00 Court costs  
\$60,081.50

5. Said sums were disclosed on audit served on Defendant's counsel which went unchallenged. Brandau's counsel proposed an agreed judgment order in that amount and withdrew when Defendant did not consent.

WHEREFORE, Plaintiffs pray for the entry of an order:

- A. Finding Defendant, L. Brandau Trucking, Inc., an Illinois corporation in default; and
- B. Awarding judgment in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$60,081.50.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

s/John J. Toomey  
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Dated: June 19, 2012